IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	N. ALLIBHOY
Serial No.	:	10/788,559
Filed	:	FEBRUARY 26, 2004
Title	:	A METHOD AND SYSTEM FOR CONTROLLING AND AUDITING CONTENT/SERVER SYSTEMS
Examiner	:	H. EL CHANTI
Art Unit	:	2157
Customer No. :		24498

PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181

Hon. Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sirs:

Applicants are contesting the Final Rejection status of the Application made by the Examiner for the following rationale:

A. On September 17, 2007, Applicants filed a petition to revive the present application with an office action response. The Office Action response, at the time contested the finality of the Final Rejection because Claim 16 was not Examined.

B. On February 20, 2008, the petition to revive was dismissed because an Request for Continuing Examination was not filed with the petition filed on September 17, 2007.

C. On March 19, 2008, the Applicants filed a Petition to Reconsider the Dismissal with an RCE. Applicants did not contest the Claim 16 issue, as

Applicants wanted to continue with the prosecution of the Application.

D. On April 19, 2008, the USPTO granted the Petition to Reconsider by withdrawing the abandonment of the application.

E. On July 23, 2008, the Examiner issued an Office Action where the Examiner made a First Action Final to the Application as the Examiner stated that the Applicants did not present any arguments which were not novel.

F. Applicants soon after called the Examiner, date unknown, to contest the Finality of the Office Action. Specifically, the Examiner did not write any arguments addressing various points made in the Office Action submitted on September 17, 2007, specifically providing a rejection to Claim 16.

Applicants believe that the Examiner stated that he would look into sending a supplemental Office Action Rejection addressing the points addressed in the Office Action and providing some rationale for either allowing or rejecting Claim 16.   In addition, the Examiner stated that he would look into withdrawing the Finality of the Rejection.

G. Examiner, date unknown but Applicants believe it was within a one-month period of Extension (4 months after the mailing date of the Rejection), called the Applicants and stated that he was locked out of the system and could not issue a new office action unless we resubmitted our response from September 17, 2007.   Applicants are unsure if the Examiner's suggested course of action is the best.

H. Applicants attempted to call the Examiner's Supervisor, Ario Etienne, several times during the week of January 5, 2009 to discuss the facts above. Unfortunately, the Supervisor has not returned the phone messages left.

With the statutory period of reply expiring within a 3 month extension under 37 C.F.R. 1.136(a) by January 22, 2009 (which is being paid for petition), Applicants are submitting this petition requesting the following points of relief:

1. The Examiner responds to the points addressed in the Office Action Response submitted on September 17, 2007 (a response date January 14, 2009 will be substantively the same as the response filed on September 17, 2007, is being submitted with this petition).

2. The Examiner withdrawn the Finality of the Rejection and issue a Non-Final Office Action to this response, as the Office Action Response from September 17, 2007, brought up points that were not addressed previously. Additionally, Applicants would appreciate if a status of Claim 16 could be decided.

Please charge any fees owed in connection with this petition to Deposit Account 07-0832, if any fees are owed.

The Applicants encourage that the Petitions Attorney call the Applicants' representative if there are any formal defects with the present petition.

Respectfully submitted,

/Joel M. Fogelson/
By: Joel M. Fogelson
Reg. No. 43, 613
Phone (609) 734-6809

Patent Operations
Thomson Licensing Inc.
Two Independence Way
Suite 2
Princeton, New Jersey 08540
January 14, 2009